September 18, 2006

Honorable Representative Stephanie Herseth
331 Cannon Building
Washington DC 20515

RE: HR4844 – Federal Election Integrity Act of 2006

Dear Honorable Representative Herseth:

It is my understanding that the House of Representatives will soon be considering HR4844 titled "Federal Election Integrity Act of 2006". This Act would supersede the authority of states to implement the level of voter identification necessary to ensure the integrity of the election in each state.

Currently South Dakota has a very workable system of polling place identification. In contrast to HR4844, our system allows for the use of tribal photo ID's and student photo ID's. Voters who fail to bring a photo ID to the polls are allowed to sign an affidavit swearing to their identity. This affidavit is used by two percent of the voters in any given election. Ours is a system which balances the need for election integrity with the goal of access by all legally eligible voters.

Other states have appropriately implemented ID requirements which are different from South Dakota's but are designed to meet the needs of their state. Unfortunately many of these ID systems have been scuttled by the courts which may be a large part of why HR4844 is being brought to the forefront.

From South Dakota's perspective, HR4844 is not needed. Our photo identification requirement works. If at some point we see that changes need to be made, our legislature will make those changes.

One of my concerns with HR4844 lies with the provision allowing voters without a proper ID to cast a provisional ballot. This will increase the number of provisional ballots in a statewide general election from approximately 500 to over 10,000. This would ensure that the winner of close elections would not be determined on election night but several days later after provisional ballot processing.

This post-election provisional ballot processing would also place a burden on county auditors to deal with 10,000 plus voters coming to their office with ID's in the days following the election as auditors try to sort out which provisional ballots can be counted and which cannot. Obviously in

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a close election this process would be very intensely monitored by legal teams for all of the candidates involved with the intention of swaying the election one way or the other. Elections should be resolved on election day, not with provisional ballot fights in the days after the election.

Thank you for your consideration of my comments.

Sincerely,

Chris Nelson
Secretary of State